

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANA CLAUDIO-MONTANEZ,

Plaintiff,

v.

NANCY A. BERRYHILL,¹ ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**CONSENT ORDER TO REMAND
PURSUANT TO
SENTENCE 4 OF 42 U.S.C. § 405(g)**

Hon. Andrew T. Baxter, M.J.
Civil Action No. 16-1127

DOCUMENT ELECTRONICALLY FILED

This matter having been opened to the Court by RICHARD S. HARTUNIAN, United States Attorney for the Northern District of New York, and KAREN T. CALLAHAN, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; including offering the Plaintiff the opportunity for a new hearing and a new decision will be issued; and Plaintiff having consented to the within order and the requested remand, and the Court having considered the matter,

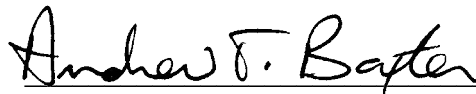
IT IS on this 1st day of February 2017;

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

ORDERED that the final decision of the Commissioner be and hereby is
REVERSED, and the matter is REMANDED to the Defendant for further administrative action,
and it is further

ORDERED that the Clerk shall enter judgment remanding the matter to the
Administration for further proceedings pursuant to sentence 4 of 42 U.S.C. § 405(g) for a denovo
hearing and new decision, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with
the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



ANDREW T. BAXTER, Magistrate Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN
United States Attorney

By: /s/karen t. callahan
KAREN T. CALLAHAN
Special Assistant U.S. Attorney
Bar No.513794

By: s/ Peter A. Gorton
PETER A. GORTON, ESQ.
Attorney for Plaintiff